

**CITY OF MORGAN HILL
JOINT SPECIAL CITY COUNCIL
AND SPECIAL REDEVELOPMENT AGENCY MEETING
MINUTES – JANUARY 11, 2006**

CALL TO ORDER

Mayor/Chairman Kennedy called the special meeting to order at 5:30 p.m.

ROLL CALL ATTENDANCE

Present: Council/Agency Members Carr, Grzan, Sellers, Tate and Mayor/Chairman Kennedy

DECLARATION OF POSTING OF AGENDA

City Clerk/Agency Secretary Torrez certified that the meeting's agenda was duly noticed and posted in accordance with Government Code 54954.2.

City Council Action

INTERVIEW:

1. INTERVIEW TO FILL A VACANCY ON THE LIBRARY, CULTURE & ARTS COMMISSION

The City Council interviewed Mr. Stan Salah, applicant to fill a current vacancy on the Library, Culture & Arts Commission.

Action: By consensus, the City Council **Continued** Consideration of Appointment to the January 18, 2006 City Council meeting.

City Council and Redevelopment Agency Action

CLOSED SESSIONS:

Interim City Attorney/Agency Counsel Siegel announced the below listed closed session items.

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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|----------------------------|---|
| Authority: | Government Code Sections 54956.9(b) & (c) |
| Number of Potential Cases: | 2 |

2.

PUBLIC EMPLOYEE APPOINTMENT

| | |
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| Authority: | Government Code 54957 |
| Consideration of Appointment: | City Attorney |
| Attendees: | City Manager, Interim City Attorney |

OPPORTUNITY FOR PUBLIC COMMENT

Mayor/Chairman Kennedy opened the Closed Session items to public comment. No comments were offered.

ADJOURN TO CLOSED SESSION

Mayor/Chairman Kennedy adjourned the meeting to Closed Session at 5:56 p.m.

RECONVENE

Mayor/Chairman Kennedy reconvened the meeting at 7:00 p.m.

CLOSED SESSION ANNOUNCEMENT

Interim City Attorney/Agency Counsel Siegel announced that no reportable action was taken in closed session.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PRESENTATION

Centennial Morgan Hill Committee Chairperson Jennifer Tate indicated that the Morgan Hill Centennial Committee has had a year to plan various centennial activities. The Committee officially kicked off the year long celebration with a New Year's Eve party. She stated that several events are being planned. The next big event to be held will be Centennial Days, scheduled for August 5 and 6; to be held at the Community & Cultural Center. To be featured are vintage vehicles to be used to drive individuals to historic sites; ending up at the Morgan Hill House site. It is the Committee's hope that the Centennial Project will be completed by that time. She informed the Council that the Centennial project has been a year in planning and is well on its way to being constructed. She stated that other organizations in town have stepped forward and will hold centennial themed events. The American University of Women has been active and will feature Morgan Hill Women in History. She said that a centennial float will be entered into the Fourth of July Parade. Independence Day, Inc. (IDI) will feature a centennial theme. She indicated that IDI has located past mayors of Morgan Hill who will act as grand marshals for the parade. The Guglielmo family will produce wine that will feature a commemorative Centennial wine label. She informed the Council that the Committee has received over \$40,000 in sponsorships and that commemorative products are being sold at Ina Bina and Booksmart. After February 1, they will be sold at Ace Hardware. She indicated that added to the Committee are Mary Cox, volunteer coordinator; and Yarka Kennett, event coordinator, who is working on Centennial Days, along with Laura Brunton. A poster will be printed this month to be signed by the artist, Marie Christine Connolly. The art work will be placed on the wine label and the original art work can be found hanging at the Chamber of Commerce's office. She stated that the Morgan Hill Centennial Committee has a website at www.mhcentennial.org. November 10, 2006, the City's Incorporation Day, will feature a centennial reception to be held at the Morgan Hill House. Should the Centennial project not be introduced by

Centennial Days, the project should be unveiled on November 10. She informed the Council that the Committee is responsible for unveiling the statue that the Morgan Hill Community Foundation is funding; Waiting for the Train, to be located on Depot Street.

CITY COUNCIL REPORT

Council Member Sellers reported on the following:

- The current effort to encourage housing in the downtown area. He stated that a Council committee will focus its effort on a workshop to be held this Friday, January 13 at 8 a.m. in the Council Chambers. To be discussed is whether or not to place a measure on the ballot; specifically to help encourage housing in the downtown area. He encouraged individuals interested in this issue to attend the workshop. He stated that the Committee is not making an assumption that a measure will be placed on the ballot. However, the Committee believes there is sufficient reason to have this discussion, and to have a collective effort to come up with the best possible proposal. Should there be a consensus that a measure is to be placed on the ballot, it will be presented to the Council for consideration. He noted that the Council is under a strict deadline in placing a measure on a June 2006 ballot.
- Council members are busy with committee assignments, council meetings, and meeting with constituents such that they do not always have time to talk with community members. He stated that he has been discouraged, in the last month or so, in seeing items reiterated in the newspapers and in talking with individuals, about information that is not factually correct. He stated that he would be dedicating himself, and felt it important that the Council, as a whole, spend more time speaking with citizens of Morgan Hill about the “Community Conversation.” He clarified that this is not a secretive effort, and that he was disappointed to hear divisive comments about the Community Conversation. He stated that this is an innovative approach in trying to receive community input and that there is no conclusion as to what the Council will do with this input. He felt it important that Council members make an effort to clarify to the community that it is proceeding with a process that is innovative and far reaching in terms of the City’s ability to talk to the community directly. This also applies to financing, in terms of what the Council has done with public facilities. It is his hope that he will see leadership, throughout the Council, in making an extra effort this year to let the community know what is behind the decisions being made by the Council, and how the Council reached its conclusions. He recommended the Council provide educational opportunities for the community so that the community has a better sense of what is behind the significant effort to be undertaken.

CITY MANAGER REPORT

City Manager Tewes updated the Council on the activities that have been undertaken with regards to the Community Conversation. He said that the process of the Community Conversation is a unique and exciting opportunity to expand civic engagement in major decisions facing the community. The difficult decisions to be made arise out of the City’s budget situation. He indicated that the Council’s budget strategy suggests the City needs to find out whether the community supports higher levels of taxation, or lower levels of service. He said that the only way a decision is ultimately to be made is through civic

engagement: the ballot box. However, an election cannot be held until November 2006. He indicated that the Council wants to reach out to the community in an extraordinary way to ensure that as many individuals as possible become familiar with the issues and have a chance to talk with their neighbors about what is important to Morgan Hill. He stated that he and Mayor Kennedy wrote/sent letters to over 100 organizations inviting them to host a Community Conversation. The City is now starting to receive feedback. The Windmill Mobile Home Park has agreed to host a Community Conversation at their facility on Wednesday, January 25 at 6:30 p.m. They have also agreed to make this meeting open to the public and the press. He reiterated that everyone in the community is invited to participate in these conversations. He noted that it is a participative activity; therefore, individuals must be prepared to spend approximately 2.5 hours reviewing materials and talking with neighbors about issues that are important. He informed the Council that City staff have established seven dates for City hosted Community Conversations: Tuesday evening, January 31; Tuesday evening, February 7; Thursday evening, February 9; Saturday, February 11 @ 9 a.m.; Tuesday evening, March 7; Saturday, March 11 @ 9 a.m. and Monday, March 20 at 6:30 p.m. He stated that no one who is interested in participating in the Community Conversation will be turned away as additional conversation sessions will be held, if necessary, to accommodate those wishing to participate. Invitations have been sent to almost 16,000 postal customers in Morgan Hill, in addition to the letters sent to various organizations. He stated that the news coverage brought attention to the Community Conversation. He requested that anyone interested in participating in the Community Conversation contact City Hall at 779-7271 or send an e-mail to citytalk@morganhil.ca.gov.

CITY ATTORNEY REPORT

Interim City Attorney Siegel stated that he did not have a report to present this evening.

OTHER REPORTS

PUBLIC COMMENT

Mayor/Chairman Kennedy opened the floor to public comments for items not appearing on this evening's agenda. No comments were offered.

City Council Action

CONSENT CALENDAR:

Council Member Sellers requested that item 7 be removed from the Consent Calendar.

Action: *On a motion by Council Member Tate and seconded by Council Member Carr, the City Council unanimously (5-0) **Approved** Consent Calendar Items 2-6 and 8-10 as follows:*

2. AMENDMENT TO THE CITY OF MORGAN HILL'S RECORDS RETENTION SCHEDULE

Action: **Adopted** Resolution No. 5967, Amending the City's Records Retention Schedule.

3. **THIRD AMENDMENT TO AGREEMENT WITH THE LAW FIRM OF JORGENSEN, SIEGEL, McCLURE & FLEGEL, LLP**
Action: Authorized the City Manager to Execute a Third Amended Agreement with the Law Firm of Jorgenson, Siegel, McClure & Flegel, LLP.
4. **AMENDMENT TO AGREEMENT WITH THE LAW FIRM OF JORGENSEN, SIEGEL, McCLURE & FLEGEL, LLP**
Action: Authorized the City Manager to Execute an Amended Agreement with the Law Firm of Jorgenson, Siegel, McClure & Flegel, LLP.
5. **APPROVAL OF CITY MANAGER'S PART-TIME TEACHING ASSIGNMENT**
Action: Approved Employment of the City Manager as a Part-Time Instructor for Gavilan College for the Spring 2006 Semester.
6. **ENERGY EFFICIENCY ASSISTANCE RESOLUTION**
Action: Adopted Resolution No. 5968.
8. **FINAL MAP FOR CAPRIANO PHASE VII-B (TRACT 9771)**
Action: 1) Approved the Final Map; and 2) Authorized the Recordation of the Map Following the Recordation of the Development Improvement Agreement.
9. **ACCEPTANCE OF JACKSON OAKS BOOSTER STATION REHABILITATION PROJECT**
Action: 1) Accepted as Complete the Jackson Oaks Booster Station Rehabilitation Project in the Final Amount of \$1,089,671; and 2) Directed the City Clerk to File the Notice of Completion with the County Recorder's Office.
10. **SPECIAL CITY COUNCIL MEETING MINUTES OF DECEMBER 16, 2005**
Action: Approved as Submitted.
7. **WIRELESS SILICON VALLEY PROJECT FUNDING**

Council Member Sellers noted that this item authorizes expenditure in the amount of \$2,500 to Wireless Silicon Valley for a regional effort that will include the development of a wireless broad band network. He said that individuals who use wireless networks are aware of the challenges to having wireless access. If you live in Morgan Hill, there is a unique opportunity of having the public wifi project located throughout the downtown area. He indicated that Joint Venture Silicon Valley made a presentation to the Chamber of Commerce business group last summer to which they talked about this effort. He informed the Joint Venture Silicon Valley group about the City's public wifi project; indicating that they had not been made aware of this prior to their presentation. He felt it important to make sure that Joint Venture Silicon Valley is aware of Morgan Hill's undertakings so that they incorporate these efforts in the final product.

Action: *On a motion by Council Member Sellers and seconded by Council Member Tate, the City Council unanimously (5-0) **Authorized** the Expenditure of \$2,500 for Wireless Silicon Valley.*

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

Action: *On a motion by Council/Agency Member Tate and seconded by Council/Agency Member Carr, the City Council/Agency Board unanimously (5-0) **Approved** Consent Calendar Items 11 and 12 as follows:*

11. **SPECIAL CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF DECEMBER 14, 2005**

Action: **Approved** as Submitted.

12. **SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF DECEMBER 21, 2005**

Action: **Approved** as Submitted.

City Council Action

PUBLIC HEARINGS:

13. **RESOLUTION AUTHORIZING THE SANTA CLARA COUNTY DEPARTMENT OF AGRICULTURE AND RESOURCE MANAGEMENT TO ABATE WEEDS – Resolution Nos. 5969, 5970, and 5971**

Assistant to the City Manager Dile presented the staff report. She informed the Council that it has been provided with an amended Resolution “A.” She indicated that Santa Clara County Department of Agriculture and Resource Management identified 267 parcels as having the need to be abated. In going through their process, they identified 20 parcels on which new construction or development is occurring. Therefore, having these parcels on the program is no longer appropriate. Amended Resolution A removes these parcels from this year’s program. She informed the Council that it has been provided with separate Resolutions B and C; each containing parcels that Council members may have conflicts. She recommended that the Council open/close the public hearing; followed by adoption of the three resolutions, independently, in order to commence with this year’s program.

Mayor Kennedy opened the public hearing. No comments being offered, the public hearing was closed.

Action: *On a motion by Council Member Tate and seconded by Council Member Sellers, the City Council unanimously (5-0) **Adopted** amended Resolution No. 5969 (A), authorizing the Santa Clara County Department of Agriculture and Resource Management to abate*

weeds, excluding Assessor Parcel Numbers (APN) 726-24-020, 764-32-017, and 764-48-020.

Council Member Sellers indicated that he would be recusing from voting on Resolution B as he resides within 500 feet from a parcel.

Action: *On a motion by Council Member Tate and seconded by Council Member Carr, the City Council, on a 4-0 vote with Council Member Sellers recusing himself, **Adopted** Resolution No. 6970 (B), authorizing the Santa Clara County Department of Agriculture and Resource Management to abate weeds for APN 726-24-020.*

Council Member Carr indicated that he would recuse himself from voting on Resolution C as he resides within 500 feet from parcels.

Action: *On a motion by Council Member Tate and seconded by Council Member Sellers, the City Council, on a 4-0 vote with Council Member Carr recusing himself, **Adopted** Resolution No. 5971 (C), authorizing the Santa Clara County Department of Agriculture and Resource Management to abate weeds for APN 764-32-017, and 764-48-020.*

City Council Action

OTHER BUSINESS:

14. CONSIDER PROPOSED TEXT AMENDMENTS TO TITLE 2, ADMINISTRATION AND PERSONNEL, OF THE MORGAN HILL MUNICIPAL CODE

Council Services & Records Manager Torrez informed the Council that staff has worked with the City Attorney's office and has been before the City Council at prior meetings requesting direction on updates to the municipal code as they relate to the master provisions for boards and commission. She indicated that there are still remaining issues to be addressed.

Can the Council appoint non registered voters and/or non U.S. citizens to boards and commissions?

Ms. Torrez informed the Council that Interim City Attorney Siegel has researched this matter and has indicated that the Municipal Code can be amended to allow the Council to appoint non U.S. residents and/or non registered voters to boards and commissions. Interim City Attorney Siegel goes further to explain that should the Council decide that it believes that any given board or commission should all be registered voters, it can so state in the Municipal Code.

Does the Council have the ability to fill seats as vacancies occur?

Ms. Torrez informed the Council that Interim City Attorney Siegel previously indicated that appointments would take additional language and definitions. These language/definitions can be included with the Municipal Code updates.

Mayor Kennedy to speak with the Chair of the Senior Advisory Committee

At a previous Council meeting, Mayor Kennedy indicated that he previously spoke with the co-chair to the Senior Advisory Committee who expressed concern that the Parks & Recreation Commission was making appointments to the Committee without benefit of interview(s). Mayor Kennedy requested that he be allowed the opportunity to speak with the Chair and receive feedback about any concerns she may have.

Mayor Kennedy indicated that he spoke with Chair Gloria Subocz who indicated that it was her belief that the Senior Advisory Committee is working and that she would like to see this committee remain in tact. He recommended that the Council consider commencing the terms for the “Senior Advisory Commission” in June 2006. The Council would open up the application process in April 2006 for this Commission, inviting the current Committee to apply/interview. Council to interview candidates with appointments being made prior to serving terms in June 2006.

Mayor Kennedy opened the floor to public comment. No comments were offered.

Ms. Torrez informed the Council that this question is being raised as there have been inquiries from residents in Morgan Hill interested in serving on boards and commissions who are not registered voters; particularly the Library, Culture & Arts Commission. There was also a prior interest in serving on the ARB by an individual who was employed in Morgan Hill who resides outside the city limits.

Council Member Tate stated his support in appointing non citizens to boards and commission; excluding the Planning Commission. He felt that the natural residency boundary for individuals who do not reside within the City Limits would be the Morgan Hill Unified School District boundary.

Council Member Sellers stated that he would consider an applicant who resides within the Morgan Hill Unified School District boundary as long as it is outside any other city boundary, such as the city limits of San Jose. He felt it would be appropriate to clarify or make reference to the fact that should the Council find that an applicant has a particular expertise or interest it would be of benefit or contribution to the community to make an appointment of an individual who is not a citizen. He did not believe that an individual who offers expertise in a given field and/or is not a U.S. citizen should be precluded from serving on a board or commission.

Interim City Attorney Siegel indicated that the change he anticipated would be the elimination of the requirement/restriction that an applicant be a U.S. citizen, except for the Planning Commission. Therefore, there would not be a statement relating to extraordinary qualifications. He stated that it is always within the purview of the Council to decide who is a qualified applicant and that citizenship is a qualification the Council may waive.

Mayor Pro Tempore Grzan indicated that he would consider the appointment of individuals who reside within the City’s sphere of influence. He expressed concern that the Morgan Hill Unified School District boundary enters into the city limits of the City of San Jose. He stated that he would not want a resident of the City of San Jose becoming part of Morgan Hill’s commissions.

Mayor Kennedy indicated that the sphere of influence does not go very far north; ending at Tilton Avenue. He noted that the sphere of influence ends at San Martin, south of Maple Avenue. Using the sphere of influence would remove the potential of nearby residents who play an active role in the community to be part of the Morgan Hill community.

Mayor Pro Tempore Grzan inquired as to another boundary the Council could use that would not be in the city limits of another city?

Council Member Tate responded that it would be the Morgan Hill Unified School District boundary, excluding the City of San Jose.

City Manager Tewes reminded the Council that the reason it is discussing these issues is to find some uniform regulations for all boards, commissions and committees; noting that there are different provisions for each. He said that the boundary, as being suggested by Mayor Pro Tempore Grzan, is the standard in place for the Library, Culture & Arts Commission. The Council is now addressing what regulations should apply uniformly throughout boards, commissions and committees. He indicated that the Planning Commission contains a specific provision that stipulates that six members on the commission must reside within the city limits and that one member may reside outside the city limits, but within the City's sphere of influence.

Council Member Carr stated that it was his belief that regardless of the boundary decided upon, it should be uniform across the boards and commissions. He recommended the Council continue with language limiting the number of seats that can be appointed outside the city limits. He said that it could be envisioned that no Morgan Hill resident would be serving on a particular commission. He further recommended that appointments of non Morgan Hill residents be limited to less than a majority. He noted that one of the reasons the Council is contemplating municipal code amendments is in order to aide in the recruitment efforts, and to allow the Council the ability to appoint an individual(s) who may have special qualities to bring to a board or commission. He noted the Council would give consideration to the individual's qualities through the interview process. Therefore, it would be incumbent upon the Council to make appropriate appointments.

Council Member Tate concurred with the limitation of the number of non Morgan Hill residents.

- Does the Council support the appointment of individuals who work in the City limits, but reside outside the City limits to serve on boards and commissions? If so, what is the distance limitation?

Mayor Pro Tempore Grzan stated that he has an issue with someone working in Morgan Hill, but not residing in Morgan Hill or the sphere of influence.

Mayor Kennedy stated that the Council could make an appointment as long as the individual resides within the sphere of influence.

Council Member Tate stated that he would like to use the Morgan Hill Unified School District boundary, excluding the City of San Jose.

Council Member Sellers noted that Youth Advisory Committee members reside in Paradise Valley, south San Martin, and southern Coyote Valley. He indicated that individuals within the Morgan Hill Unified School District use the City's library. Therefore, he would support using the Morgan Hill Unified School District boundary, as long as the individual does not reside within the City of San Jose city limits or any other city limits.

Mayor Pro Tempore Grzan stated that he could not support the expanded boundary as he could not see someone who resides in San Martin serving on Morgan Hill's boards or commissions as they have no ties to the City. He understood the concept of trying to be inclusive, but felt this would circumvent the Council's intention of having Morgan Hill residents be a part of a board or commission.

Mayor Kennedy noted that this particular question relates to individuals working within the Morgan Hill city limits and felt that working in Morgan Hill is a strong tie to the City of Morgan Hill.

Mayor Pro Tempore Grzan felt that an individual who works within the city limits may have conflicts of interest. He does not find this to be the critical criteria that would give the individual the right or privilege to serve on a commission. He felt there were many individuals who work in Morgan Hill who have no inclination or desire to be involved with Morgan Hill or to have a tie with Morgan Hill. Therefore, he would not support the suggested boundary.

Council Member Carr felt that anyone who would go through the interview process would have a commitment to this community. He felt the interview process should determine some of the factors for appointment. He recommended that specifications be stipulated as to what the Council is looking for, upfront, before engaging an individual in the interview process (e.g., commitment to the community).

Council Member Tate said that should the Council find an individual does not have the proper ties to the City, the Council need not appoint.

Mayor Kennedy felt that extending the residency boundary would give the Council a larger pool of candidates to draw from and that it would be up to the Council to make the decision as to whether it wants to appoint the candidate(s), depending on where they live or work. He stated that he would be supportive of the language being proposed by Council Member Tate.

Council Member Carr stated his support of broadening the pool of applicants. He did not know whether the proposed amendment would apply uniformly throughout boards and commissions. If so, the amendment increased the Planning Commission from having one appointed seat of an individual who does not reside in the city limits to three seats.

City Manager Tewes clarified that the existing regulations contains a master provision that states that unless specified elsewhere, all members of commissions must be residents and registered voters in the City of Morgan Hill; providing, however, that if the City is unable to fill a seat, the City Council can appoint a non resident within the sphere of influence. He informed the Council that the Planning Commission has specific rules that state that no more than one individual may be appointed who resides outside the city limits. The ARB specifically authorizes one of its members to reside outside the city limits. The provisions of the Library, Culture & Arts Commission allows up to three individuals to

reside outside the city limits. He said that the municipal code currently requires that applicants be registered voters.

Council Member Carr noted that the City's municipal code allows the appointment of an individual who resides in the sphere of influence if the Council cannot find an individual who resides within the city limits.

Council Member Tate stated that it was his understanding that staff wanted to make regulations standard across all boards and commission, and not have different criteria for different commissions. He felt that less than a majority may be too many to appoint as it may allow the Council to appoint up to three non Morgan Hill residents to serve on most boards and commission.

Interim City Attorney Siegel indicated that the Council could state that regardless of the number of individuals serving on any given board or commission that there be a maximum of two non Morgan Hill residents who can be appointed. This would be a master provision that would apply across all boards and commissions.

Action: *Council Member Tate made a motion, seconded by Council Member Sellers, **to allow** individuals who reside within the Morgan Hill Unified School District boundary, and who do not otherwise reside in any other city limits except the Morgan Hill city limits, to be considered for appointment to boards, commission and committees. Further, no more than 30% of non Morgan Hill residents shall be appointed to boards, commissions or committees.*

Mayor Pro Tempore Grzan stated that he would not support the motion as the boundary is too broad. He reiterated his support of using the sphere of influence as the boundary.

Council Member Carr inquired whether the motion would apply to the master provisions of the municipal code such that if the Council does not have the ability to fill a seat with an individual who resides within the Morgan Hill city limits and is a registered voter, the provision, as identified, would become the fall back; or is it being stated that the Council can elect to appoint an individual who does not reside within Morgan Hill city limits, but within the Morgan Hill Unified School District, above Morgan Hill residents.

Council Member Sellers said that he was the only person who opposed a previous appointment because the individual resided outside the city limits as there were qualified residents who reside within the city limits who could be appointed. The individual was appointed because they were already serving on the commission.

Council Member Carr noted that current provisions for the Planning Commission have a specific seat for an individual who resides within the sphere of influence. He recommended that the Council eliminate all specific criteria/restrictions and adopt master provisions that would apply to all boards and commissions.

Council Member Tate stated that it was the intent of his motion to appoint non Morgan Hill residents if there are no qualified individuals who reside within Morgan Hill's city limits.

Council Member Sellers supported Council Member Tate's clarification.

Interim City Attorney Siegel clarified that the intent of the motion is to revise the ordinance to eliminate all current references to the library and planning commissions to a specific number of individuals being appointed who reside outside the city limits. The master provision is to state that up to 30% of the seats on any board or commission are available to individuals who reside within the Morgan Hill Unified School District boundary, and no other city limits other than the City of Morgan Hill. These candidates will only be appointed should the Council find that there are no qualified residents who reside in the city limits of Morgan Hill to appoint.

Mayor Kennedy did not support adding the language that stipulates "appointment of non Morgan Hill residents only if there are no Morgan Hill applicants." He felt that if the City has an excellent candidate, and they reside outside the city limits, the candidate may make a good commissioner. He did not believe it necessary that an applicant reside within the city limits.

Mayor Pro Tempore Grzan noted that citizens are appointed to "Morgan Hill" boards and commission. The Council is now considering broadening this definition and that he was not sure that non Morgan Hill residents would be tied to the community. He noted that Morgan Hill is a growing population and that the proposed amendment may be appropriate for a city with a declining population. He felt the Council is working backwards instead of becoming proactive in encouraging and finding incentives for individuals to be a part of the Morgan Hill board and commission community; reviewing the constraints that keep individuals from applying. He felt that in broadening the boundaries, the City would lose the sense of community being built and lose the tie/commitment that Council Member Carr mentioned.

Mayor Kenned agreed that the term "Morgan Hill community" is an important term and goes beyond the city limits.

Vote: *The motion, as clarified by Interim City Attorney Siegel, carried 4-1 with Mayor Pro Tempore Grzan voting no.*

- Does the Council support amending the ordinance to allow residents who are not U.S. citizens and otherwise non registered voters to be considered for appointment to boards and commissions?

Council Member Carr stated that he did not support having separate requirements for one commission over another. He felt the Council has to identify specific reason(s) for allowing the appointment of non U.S. citizens on boards and commission with the exception of the Planning Commission.

Council Member Tate clarified that his previous motion did not include a motion relating to non U.S. citizens.

City Manager Tewes indicated that the question is whether or not to retain the existing requirement that commissioners be registered voters. He noted that in order to be a registered voter, an individual has to be a U.S. citizen. He said that the municipal code does not address citizenship.

Mayor Kennedy recommended the removal of the restriction that an applicant be a registered voter across all boards and commissions.

Action: *Council Member Sellers made a motion, seconded by Mayor Kennedy, **to eliminate** the requirement that an applicant be a registered voter in order to be considered for a board or commission - to be applied across all boards and commissions; however, continue to ask the question on the application form.*

Mayor Pro Tempore Grzan stated that he would like to review information on whether other cities appoint non registered voters to boards and commission.

Interim City Attorney Siegel indicated that there is no requirement that an individual must be a registered voter in the State of California to serve on a board or commission. Further, there are no requirements that a board or commissioner be a U.S. citizen. He noted that individuals cannot be a registered voter if they are not U.S. citizens. It is up to this Council to determine eligibility requirements as the Council would be the body that establishes the rules.

Council Member Carr stated that this is a requirement that he struggles with. He said that having this requirement provides an incentive for individuals to become registered voters. Yet, this is a diverse community and that the current restriction eliminates individuals from qualifying to serve on a board or commission. This could be attributed to the fact that an individual has not registered to vote or has not completed the process of becoming a U.S. citizen. Perhaps a non U.S. citizen wants to become engaged in the community they reside in, but wants to maintain their citizenship in their home country. He would hate to eliminate the pool of candidates or hinder the great diversity that exists in this community. He would like to ask citizens who are assisting in advising in the laws and policies of the community to be active voters in this community. However, in doing so, the Council would preclude a rich resource that he would hate to eliminate.

Mayor Kennedy stated that when the Council interviews applicants, the Council has choices to make. The Council can make a decision on a case by case basis. If there is a resident who has minimal or no skills and there is a non U.S. citizen with great skills/diversity, the Council would have the ability to make a choice on appointment. By allowing the broad language, it gives the Council the flexibility to appoint.

Council Member Sellers noted that the City has an application form that individuals submit to be considered for appointment to a board or commission. He felt the application form needs to continue to ask if an individual is a registered voter and a citizen. He felt the motion would give the Council latitude.

Council Member Carr supported retaining the question of whether an applicant is a registered voter that he does not need to know if an individual is a U.S. citizen.

Vote: *The motion carried 4-0-1 with Mayor Pro Tempore Grzan abstaining.*

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- Does the Council support increasing the terms of office for the Parks & Recreation Commission from two-year to four-year terms; leaving all other boards and commissions as two-year term appointments?

Action: *It was the consensus of the City Council to **increase** the terms from two to four-year appointments for the Parks & Recreation Commission (similar to Planning Commission); leaving all other boards and commissions at two-year terms.*

- Does the Council wish to consider implementing term limits as was suggested by a commissioner?

Action: *It was the consensus of the City Council **not to implement** term limits for boards or commissions.*

Does the Council wish to consider moving the Senior Advisory Commission appointment terms up to either April or June, instead of the current August term expiration?

Mayor Kennedy suggested that recruitment efforts commence in April 2006, Council interviews/appointments to be conducted in May 2006 with terms for the Senior Advisory Commission commencing in June 2006.

Action: *It was the consensus of the City Council **to move** the Senior Advisory Commission appointment terms to June 2006.*

Interim City Attorney Siegel indicated that he would return with an ordinance for consideration that incorporates the amendments identified by the Council by mid-February, if not before.

FUTURE COUNCIL-INITIATED AGENDA ITEMS

No items were identified.

ADJOURNMENT

There being no further business, Mayor/Chairman Kennedy adjourned the meeting at 8:07 p.m.

MINUTES RECORDED AND PREPARED BY:

IRMA TORREZ, CITY CLERK/AGENCY SECRETARY